

Exhibit 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

July 30, 2008

Videotaped Deposition of DAVID P. BOLIN,
OCWD'S 30(b)(6) DESIGNEE, held in the law offices of
Latham & Watkins, 650 Towne Center Drive, Suite 2000,
Costa Mesa, California beginning at 9:05 a.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

1 Mr. Miller is pointing to.

2 MR. ANDERSON: Yeah. And I was reading
3 from --

4 MR. MILLER: So your "no" is incorrect, is
5 what he is telling you.

6 BY MR. ANDERSON:

7 Q. Oh, you say this is incorrect?

8 A. No. I'm saying that Mr. Miller was
9 pointing -- I believe is pointing to the box you just
10 described.

11 Q. Yes. And in the first entry, in the
12 plume 9 box, the reference -- the first entry
13 references a Chevron station at 5992 Westminster
14 Boulevard in Westminster, right?

15 A. Yes.

16 Q. And if you continue to the right,
17 left to right across the dial, and look at the
18 spreadsheet on the second page of Exhibit 14, that is
19 still part of the Chevron entry, right? We see a
20 reference to MTBE being detected in 2005 and 2006 in
21 Huntington Beach Wells 13 and 7, right?

22 A. Respectively.

23 Q. Okay. So where did you get the
24 information that MTBE had been detected in 2005 and
25 2006 in those two drinking water wells?

1 A. From our LIMS database.

2 Q. All right. And in the entry right
3 below that, which refers to the Huntington Beach
4 ARCO, says the same thing, MTBE was detected in Wells
5 13 and 7 in 2005 and 2006 respectively, right?

6 A. Yes.

7 Q. And you got that from LIMS?

8 A. Yes.

9 Q. And then you have a similar entry
10 below that with respect to the Shell 6502 Station,
11 right?

12 A. Yes.

13 Q. And a similar entry below that with
14 respect to the Thrifty 368 Station, right?

15 A. Yes.

16 Q. Similar below that for the Unocal
17 5123 Station, right?

18 A. Yes.

19 I didn't know you were waiting for an
20 answer.

21 Q. And the same thing below that for the
22 Unocal 5226 Station, right?

23 A. That's correct.

24 Q. And the same thing below that for
25 Westminster Shell, right?

1 A. That is correct.

2 Q. And, finally, the same thing for USA
3 No. 141?

4 A. That's correct.

5 Q. All having detections of MTBE as
6 reported on the LIMS database in '05 for Huntington
7 Beach 13 and '06 for Huntington Beach 7, right?

8 A. Yes.

9 Q. And who was it who reported these
10 detections to Orange County Water District?

11 A. Who reported this -- the detections
12 are from Orange County Water District.

13 Q. Yes. Who found those detections?
14 Who measured them? Who analyzed them?

15 A. Orange County Water District's
16 laboratory.

17 Q. These were not Friedman and Bruya?

18 A. No.

19 Q. All right. Okay. And then if these
20 detections occurred -- we don't have a date within
21 '05 of when these detections were actually --

22 MR. MILLER: Counsel, I believe there are
23 other documents concerning this subject that will
24 be --

25 MR. ANDERSON: I am sure there are.

1 MR. MILLER: This is the summary
2 spreadsheets.

3 MR. ANDERSON: Right now I'm talking about
4 what I have in front of me.

5 Q. When would be the soonest that you
6 would expect these detections of MTBE in these
7 drinking water wells would have been reported to the
8 owner of the Huntington Beach 13 and Huntington Beach
9 7 wells?

10 A. These results would not have been
11 reported to the owners.

12 Q. Why not?

13 A. They are in our LIMS database.

14 Q. But why would Orange County Water
15 District not notify the owners of those two wells
16 that it had detected MTBE in them?

17 MR. MILLER: Don't speculate. If you know,
18 fine, answer.

19 I'm going to object on the grounds it lacks
20 foundation. Calls for speculation.

21 THE WITNESS: I -- I am not completely
22 familiar with the LIMS database and how data ends up
23 in our LIMS database rather than WRMS database.

24 So I can only speculate and say that that
25 would be a question that would be best posed to our

1 laboratory personnel.

2 BY MR. ANDERSON:

3 Q. Well, you bought the information from
4 the LIMS database --

5 A. Yes.

6 Q. -- right?

7 But that doesn't mean that the information
8 wasn't reported in some other fashion to the owners
9 of those drinking water wells, does it?

10 A. I don't believe it was reported to
11 them.

12 Q. Why don't you believe it was reported
13 to the owners of the drinking water wells that Orange
14 County Water District found MTBE in their wells in
15 2005 and 2006?

16 A. I believe it wasn't reported because
17 it doesn't exceed drinking water reporting
18 requirements.

19 Q. Okay. And what are those?

20 A. Those are levels that are dictated by
21 the State of California.

22 Q. Okay. Why would -- please help me.

23 Why would Orange County Water District only
24 report to the owners of drinking water wells MTBE
25 detections that equalled or exceeded those reporting

1 requirements that you just referenced?

2 MR. MILLER: Objection, assumes facts not in
3 evidence. Argumentative.

4 Go ahead, if -- lacks foundation. Go ahead.

5 THE WITNESS: There's a certain degree of
6 speculation because I am familiar with the LIMS
7 database, but I'm not an expert on how data is
8 transcribed and decided whether it goes into LIMS or
9 whether it's transferred over to the WRMS database.

10 If it's in the LIMS database, I know that
11 it's not reported to the pumpers, the producers,
12 because it doesn't exceed those reporting
13 requirements.

14 The reporting requirements, once they are
15 put out there, the public has access to that data,
16 and some of the producers would prefer to control the
17 data and work with it rather than report everything
18 that's possibly detected.

19 BY MR. ANDERSON:

20 Q. Okay. Would you expect that if
21 Orange County Water District were concerned that
22 there was a level of MTBE in a production water well
23 that merited some kind of action, that it would
24 report that to the owner of the well?

25 MR. MILLER: Objection, vague as to who.

1 Argumentative. Vague generally. Compound.

2 If you -- go ahead and answer, if you can.

3 THE WITNESS: Only if Orange County Water
4 District felt that they needed some assistance from
5 the water producers in evaluating the MTBE, in this
6 case MTBE in these wells.

7 A lot of the water producers don't have the
8 sophisticated technical talent to do any of this kind
9 of evaluation. This is one of the responsibilities
10 where Orange County Water District is involved in
11 managing groundwater quality and groundwater supply
12 in the Orange County basin.

13 BY MR. ANDERSON:

14 Q. Does Orange County Water District go
15 in and clean up contamination found in drinking water
16 wells on its own?

17 A. Sometimes.

18 Q. And with respect to these MTBE
19 detections in Wells 13 and 7 -- this is the City of
20 Huntington Beach, right?

21 A. Yes, it is.

22 Q. Did Orange County Water District just
23 go ahead on its own and remove that MTBE?

24 A. I don't understand your question.
25 Did the Orange County Water District remove the MTBE?

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE:

4 Methyl Tertiary Butyl: Master File No. 1:00-1898
5 Ether ("MTBE") : MDL NO. 1358 (SAS)
6 Products Liability : M21-88
7 Litigation :
8

9
10 This Document Relates to:
11 Orange County Water District
12 v. Unocal Corporation, et al.,
13 S.D.N.Y. No. 04 Civ. 4968 (SAS)
14 /

15 CONFIDENTIAL
16 (Per 2004 MDL 1358 Order)

17 -----
18 July 31, 2008
19 -----

20 Videotaped Deposition of DAVID P. BOLIN,
21 Volume 2, OCWD'S 30(b)(6) DESIGNEE, held in the law
22 offices of Latham & Watkins, 650 Towne Center Drive,
23 Suite 2000, Costa Mesa, beginning at 9:04 a.m., before
24 Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.
25

26 GOLKOW TECHNOLOGIES, INC.
27 877.370.3377 ph|917.591.5672 fax
28 deps@golkow.com
29

1 Q. And how did you find MTBE
2 contamination in each of the production wells
3 associated with each of the plumes 2, 7 and 9?

4 A. From laboratory analytical data of
5 samples collected from those wells.

6 Q. And you assembled this information
7 carefully and accurately, right?

8 A. As provided to me.

9 Q. By whom?

10 A. By Orange County Water District..

11 MR. ANDERSON: Let's do a tape change break.

12 THE VIDEOGRAPHER: This is the end of tape
13 one in the videotape deposition of David Bolin. At
14 11:27 a.m., we are off the record.

15 (Recess taken.)

16 THE VIDEOGRAPHER: This is the beginning of
17 tape two in the videotape deposition of David Bolin.
18 At 11:44 a.m., we are back on the record.

19 MR. ANDERSON: Mr. Bolin, I show you
20 Exhibit 18?

21 THE REPORTER: Yes.

22 (Exhibit No. 18 was marked.)

23 MR. ANDERSON: This is a document entitled,
24 "Orange County Water District Sample Information and
25 Results, Station Name HB-13/1," and it has a City of

1 Huntington Beach Bates number of 007432. The
2 document is three pages long.

3 Q. Do you have that in front of you?

4 A. Yes, I do.

5 Q. Have you ever seen that document
6 before?

7 A. I don't recall.

8 Q. Do you recognize the document by its
9 format?

10 A. It looks fairly familiar. I
11 recognize that it has analytical data for a station
12 name identified as HB-13 and Orange County Water
13 District's name on the top.

14 Q. And near the top on the right it
15 says, "Well owner: Huntington Beach. Well name:
16 Well No. 13. City: Huntington Beach." Do you see
17 that?

18 A. I see that.

19 Q. Do you have any reason to believe
20 that that's not a reference to Huntington Beach Well
21 No. 13?

22 A. I do not.

23 Q. And that would be the same well that
24 has been referenced with respect to plume No. 9?

25 A. Which document are you referring to?

1 Q. Well, I was just looking at the
2 Exhibit 2, which was the plume designation letter by
3 Ms. O'Reilly, but I think we have reference to it as
4 well -- in Exhibit 14, for example, on the second
5 page of Exhibit 14.

6 A. Let me pull that back out. I am
7 sorry.

8 Okay. Would you please ask the question
9 again.

10 MR. ANDERSON: Would you read it back. I
11 forgot what I asked.

12 (Record read as follows: QUESTION: Well, I
13 was just looking at the Exhibit 2, which was the
14 plume designation letter by Ms. O'Reilly, but I think
15 we have reference to it as --).

16 THE REPORTER: You want the question before
17 that, I take it?

18 BY MR. ANDERSON:

19 Q. What I'm trying to determine, as far
20 as you know, as best you know, the reference in
21 Exhibit 18 to Huntington Beach Well No. 13 is
22 referencing the same well that has been designated by
23 Orange County Water District as being associated with
24 plume No. 9, correct?

25 A. That is correct.

1 Q. Looking down at the -- there's a
2 chart -- still up on the top part, there's a sample
3 date and time of 1/18/2005, 9:50. Do you see that?

4 A. I do.

5 Q. And a received date and time of
6 1/18/2005 at 11:50. Do you know what "sample date
7 and time" refers to?

8 A. I will say that I believe it refers
9 to the date that the sample was collected and the
10 time it was collected, but I can't be certain.

11 Q. Then below that we have a number of
12 items listed under column, "Reported Values." Do you
13 see that? It's just above halfway down the page, the
14 left column.

15 A. Left column, "Reported Values."
16 Oh, I do see, yes.

17 Q. Okay. And, for example, there's
18 something at the bottom, "MEK," which looks like it's
19 an abbreviation for something called methylethyl
20 ketone, right?

21 A. Yes.

22 Q. So is it your understanding that the
23 letters and numbers in the left-hand column are
24 generally intended to be abbreviations for various
25 chemicals or other compounds?

1 A. Only for those compounds or chemicals
2 that are indicated right beside the abbreviation.

3 Q. Understood. And I'm not going to go
4 through most of these, because I can't understand --
5 I can't say them.

6 But let's take a shot at CHCl₃ is
7 chloroform, right?

8 A. I don't see where you're referring
9 to.

10 Q. Oh, it's about ten down from the top.

11 A. CHCl₃, chloroform.

12 Q. Yes.

13 A. That's what I read.

14 Q. So, again, we have an abbreviation
15 and the name next to it, right?

16 A. Yes.

17 Q. All right. Now, on the last page of
18 the exhibit there's a reference to MTBE. Do you see
19 that?

20 A. Yes, I do.

21 Q. It's the second reported item.

22 A. Yes, I do.

23 Q. And it shows an analysis method of
24 524.2. Does that mean anything to you?

25 A. I believe that that is the analytical

1 method used to analyze or test for the chemical.

2 Q. Okay. And then there's an
3 analysis -- it says -- below "Dates" it says,
4 "Analysis 1/28/2005." Does that tell you that the
5 analysis of the sample testing for MTBE occurred on
6 January 28, 2008 -- or 2005?

7 A. My understanding is that the date
8 that the chemical was tested in this sample was the
9 date indicated under "Analysis."

10 Q. And to the right of the date there's
11 a column that says, "Results," and then specifically
12 a column that says, "Value ND." What does that mean?

13 A. I believe that means -- well, it's
14 indicated in the -- in the foot of the same page.
15 Not detected at or above the laboratory detection
16 limit.

17 Q. Okay. And do you understand that
18 this is a document that was provided by Orange County
19 Water District to the City of Huntington Beach?

20 MR. MILLER: Objection, lacks foundation.
21 Calls for speculation.

22 THE WITNESS: I haven't seen this document
23 before. I can't say whether this was a document that
24 was provided to Huntington Beach or not.

25 ///

1 this is where you had indicated in your summary that
2 MTBE had been detected in Huntington Beach Well 13 in
3 2005.

4 That's what your reference means, right?
5 That you determined that MTBE had been detected in
6 2005 in HB-13, right?

7 MR. MILLER: Objection, vague as to time.

8 BY MR. ANDERSON:

9 Q. You determined when you -- at or
10 about the time you prepared Exhibit 14, you knew that
11 MTBE had been detected in Huntington Beach Well 13 in
12 2005, right?

13 A. I was provided information that
14 allowed me to -- caused me to enter in that column
15 reference to MTBE detection from our LIMS database
16 system in 2005 for HB-13 and 2006 for HB-7.

17 Q. And this is information you accessed
18 on the LIMS database sometime in the last couple of
19 weeks, right?

20 A. No, that's not correct.

21 Q. When?

22 A. I don't have access to the LIMS
23 system.

24 Q. When did you get this information?

25 A. I got this information from Orange

1 system is obviously not capturing all of the
2 contamination in plume No. 9.

3 I can't even say whether it's capturing the
4 contamination in plume -- in the site-specific plume.
5 But according to the Komex report, given that the
6 contamination has left the site, and given that the
7 remediation system -- I believe it's a pump and treat
8 system -- and I believe that system was initiated in
9 December of 2004; whereas the first detection of MTBE
10 at a well associated with that site was in 1996,
11 which --

12 MR. MILLER: Would you clarify what type of
13 well you're referring to.

14 THE WITNESS: A monitoring well,
15 specifically MW-12.

16 And a subsequent concentration, a detection
17 in a different well, MW-2, in 1998 at 480,000 parts
18 per billion, was well before the remediation system
19 was initiated. That suggests to me that
20 contamination might have left -- has left the site
21 probably sometime in between '98 and 2004, and that
22 installing a system, a remediation system in 2004 was
23 probably too late. But I can't say for certain.

24 BY MR. ANDERSON:

25 Q. You have to speculate?